

# OLSEN RANCH CONSERVATION EASEMENT

Montana Board of Land Commissioners

May 2008

<b>Acquiring Agency:</b>	<b>Montana Fish, Wildlife &amp; Parks</b>
<b>Land Interest:</b>	<b>Conservation Easement</b>
<b>Cost:</b>	<b>Purchase from private landowner for \$452,000.</b> Funding will be provided from the FWP's Habitat Montana program and Upland Game Bird Habitat Enhancement Program.
<b>Property Specifics:</b>	<b>Approximately 612 acres in Valley County</b> , located two miles northwest of Glasgow
<b>Resource Values:</b>	The proposed conservation easement conserves <b>three miles of Milk River riparian habitat</b> , along with associated hay meadows and managed crop land. Key species include <b>whitetail deer, wild turkey, pheasant, wood duck and other waterfowl, and a diversity of migratory songbirds.</b> The conservation easement will maintain the property in private ownership and management, while <b>conserving and enhancing important habitat and providing for permanent public access for hunting and fishing.</b> The Milk River Valley is a conservation priority for FWP, as about 75% of the river bottom has been developed for crop and livestock production, and increasingly lands along the Milk River are being purchased for private recreation. The Olsen Ranch conservation easement will help <b>sustain a family farm/ranch operation</b> , while conserving its important habitat and public recreational opportunities.
<b>Process:</b>	<b>FWP Draft Environmental Analysis</b> , released March 20, with comments accepted through April 22, 2008 <b>Public Hearing</b> , held on April 21, 2008 <b>Decision Notice</b> , issued by FWP on April 28, 2008, recommends approval of the project. Eight public comments were received, with seven in support and one in opposition. The Valley County Commission supports the project. <b>FWP Commission Approval</b> , anticipated May 15, 2008

**DECISION NOTICE  
OLSEN RANCH CONSERVATION EASEMENT**

**Prepared by Region 6, Montana Fish, Wildlife & Parks  
April 28, 2008**

**PROPOSAL**

Montana Fish, Wildlife & Parks (FWP) is proposing to purchase a perpetual conservation easement on the Robert, Linda and Travis Olsen property. The proposed easement involves 612 deeded acres owned by the Olsen's and located about 2 miles northwest of Glasgow, Montana along the Milk River.

The easement is being proposed to protect, enhance and preserve the overall integrity of riparian habitat associated with the Milk River for present and future generations. The Milk River riparian corridor is key to maintaining stable wildlife populations, primarily because of the habitat quality for all seasonal habitats. Most of the surrounding uplands lack an effective winter cover component, making this project very important. The terms of the easement are directed at conserving river bottom riparian and shrub grassland habitats. The easement also assures that general public hunting will continue to be the tool used to manage game populations.

**MONTANA ENVIRONMENTAL POLICY ACT (MEPA) PROCESS**

The proposal has been outlined in an Environmental Assessment (EA) to satisfy the Montana Environmental Policy Act (MEPA). FWP is required to assess the impacts of the proposed action to the human and natural environment as directed by MEPA.

Under the MEPA process a 34-day public comment period ran from March 20 through April 22, 2008. During this period, a public hearing was held at the Cottonwood Inn in Glasgow the evening of April 21, 2008.

**ISSUES RAISED IN THE ENVIRONMENTAL ASSESSMENT (EA)**

Several issues were raised during the EA process through the comments received.

Issue 1. Two comments expressed some concern with the cost of the easement versus a fee-title purchase.

Department Response: Recent appraisal figures were used to determine the fee value of the Olsen Property at approximately \$ 1,000,000. This figure was based on recent sales along the Milk River, some that were competitively bid to over \$2,500 per acre. MFWP offered to the Olsen's approximately 45% of that value in exchange for the Conservation Values protected. MFWP is able to protect these

values important to wildlife, maintain it in private ownership and not have annual costs to MFWP in taxes, operation and maintenance.

Issue 2. One commenter felt that the minimum number of hunter days on the property is too small.

Department Response: The minimum number of hunter days is based on the size of the property and the reasonable expectation of hunting use. The number of hunter days on this property is expected to regularly exceed the minimum figure, but is set lower to account for times when animal populations are low and hunter use will also be lower.

Issue 3. One commenter expressed a concern that the Management Plan allowed unrestricted burning of irrigation ditches.

Department Response: A strategy of the Plan is for efficient irrigation flows and upland bird habitat. Therefore, the Landowner must use mechanical means for decreasing vegetation within the irrigation ditches. The outside of the ditches will be left for upland bird habitat. Burning can only be used to control larger patches of noxious weeds and only with prior MFWP approval.

Issue 4. One commenter expressed concern for managing hunting and recommended that access not be granted through Block Management with a Type I arrangement.

Department Response: MFWP is very cognizant of potential impacts to neighboring landowners with the development of any BMA. The development of the Olsen BMA will take into account the potential for impacts to neighbors through the allocation of access and weapon-type, but will rely on the Landowner to help with that decision. Furthermore, staff will be responsive to any issues that arise with neighboring landowners.

Issue 5. One commenter suggested that white-tailed deer populations are currently above management objectives and that the habitat benefit to this species is negligible.

Department Response: MFWP is concerned about wildlife species management at all population levels. This piece of Milk River habitat has healthy, mature stands of deciduous habitat. This habitat is crucial for a variety of wildlife species that use the Milk River Valley and warrants protection through an easement. Access gained through this easement will assist in decreasing white-tailed deer at high levels and serve as crucial year-round habitat at all population levels.

The proposal was presented to the Valley County Commissioners in early-September 2007 and again in early-2008. The Commissioners indicated that they support conservations easements if public use is still allowed on the property. They had concern was about a possible reduction in tax revenue to the County, but were assured that the property would continue as a privately owned working farm/ranch and tax revenue would not decline.

## **GENERAL SUMMARY OF PUBLIC COMMENTS**

Twelve members of the public attended the public hearing on April 21, 2008. Three people testified, all in support of FWP acquiring a conservation easement on the Olsen property. In addition, five written comments in the form e-mails were received. All but one letter supported FWP acquiring the conservation easement.

## **DECISION**

FWP fully supports the concept of conservation easements to protect wildlife and agricultural values from development, subdivision and human encroachment. Approximately 75 % of the Milk River Valley and associated riparian and shrub grassland habitats have been developed for agriculture and livestock production purposes. Recently, interests have started buying up land associated with the Milk River for recreational purposes. This often results in termination of public access and heightened game damage problems on neighboring farms and ranches. Unless actions are taken to preserve the remaining undeveloped or moderately developed areas along the Milk River through conservation easements much of the private land that presently provides habitat, scenic values and public access will be lost.

**After review of this proposal and corresponding unanimous public support, it is my recommendation to purchase the conservation easement from Robert, Linda and Travis Olsen, subject to approval by the FWP Commission.**



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Patrick Gunderson  
Region 6 Supervisor  
Glasgow, Montana  
April 28, 2008

## ***FWP COMMISSION AGENDA ITEM COVER SHEET***

**Meeting Date:** May 15, 2008

**Division:** Wildlife

**Agenda Item:** Olsen Ranch Conservation Easement (R6)

**Action Needed:** Approval of Final Decision

**Time Needed on Agenda:** 10 minutes

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**Background:** Montana Fish, Wildlife & Parks (FWP) proposes to purchase a conservation easement on the Olsen Ranch, which consists of 612 acres of private land located about two miles northwest of Glasgow. The property includes more than three miles of Milk River riparian habitat, along with hay meadows and managed cropland. This conservation project reflects the desire of all parties to continue the landowner's agricultural operation, while maintaining and enhancing wildlife habitats. This easement will keep the property in private ownership and operation, preserve important wildlife habitats and guarantee managed public access for hunting and other recreational pursuits. The cost of the conservation easement is \$452,000. Funding is anticipated to be provided from the Habitat Montana program and the Upland Game Bird Habitat Enhancement Program.

**Public Involvement Process & Results:** An Environmental Assessment on the proposed Olsen Ranch conservation easement was published on March 20, 2008, and the comment period remained open through April 22. Twelve members of the public attended the public hearing on April 21. Three people testified, all in support of FWP acquiring a conservation easement on the Olsen property. In addition, five written email comments were received. All but one letter supported FWP acquiring the conservation easement. FWP issued a decision notice on April 29, responding to public comments and endorsing the easement purchase.

**Alternatives and Analysis:** The Olsen family wishes to stay on the land and continue its farm/ranch operation, while supporting wildlife habitat and public recreational opportunities. The conservation easement is the best alternative to achieve this outcome, consistent with the landowners' desires for the property. If FWP does not move forward on this project, there is a possibility that the property will be sold to a private recreational buyer. The opportunity to implement a detailed habitat management/enhancement plan (as has been developed by FWP in conjunction with the Olsens) and to ensure public hunting access on the property would be lost.

**Agency Recommendation & Rationale:** FWP believes that a conservation easement is an important tool to protect wildlife and agricultural values from development, subdivision and human encroachment. Approximately 75 % of the Milk River Valley and associated riparian and shrub grassland habitats have been developed for agriculture and livestock production purposes. Most of the surrounding uplands lack an effective winter cover component, making this project very important. Recently, interests have started buying up land associated with the Milk River for recreational purposes, often closing land to public access and increasing game damage problems on neighboring farms and ranches. The Olsen Ranch conservation easement will help sustain a family farm/ranch operation, while conserving important Milk River habitat for game and nongame species and ensuring that general public hunting will continue to be the tool used to manage game populations.

**Proposed Motion:** I move that the Commission authorize the Department to purchase a conservation easement on the Olsen Ranch near Glasgow.

**Montana Fish, Wildlife and Parks  
Wildlife Division**

**DRAFT ENVIRONMENTAL ASSESSMENT (EA)**

**ROBERT OLSEN RANCH CONSERVATION EASEMENT PROPOSAL**

**I. INTRODUCTION**

Montana Fish, Wildlife & Parks (MFWP) proposes to purchase a conservation easement from Robert, Linda, and Travis Olsen, consisting of approximately 612 acres of private land near Glasgow. The property includes more than three miles of Milk River riparian habitat, along with hay meadows and managed cropland. This conservation project reflects the desire of all parties to continue the landowner's agricultural operation, while maintaining and enhancing wildlife habitats. This easement will keep the property in private ownership and operation, preserve important wildlife habitats and guarantee managed public access for hunting and other recreational pursuits.

**II. AUTHORITY AND DIRECTION**

Montana FWP has the authority under State law (87-1-201, Montana Code Annotated) to protect, enhance, and regulate the use of Montana's fish and wildlife resources for public benefit now and in the future. In 1987, the Montana Legislature passed House Bill 526, which earmarked hunting license revenues to secure wildlife habitat through lease, conservation easement, or fee title acquisition (87-1-241 and 242, MCA). This is now referred to as the Habitat Montana Program. As with other FWP property acquisition proposals, the Fish, Wildlife and Parks Commission and the State Land Board (for easements greater than 100 acres or \$100,000) must approve any easement proposal by the agency. This Environmental Assessment (EA) is part of that decision making process.

**III. LOCATION OF PROJECT**

The Olsen property is located approximately 2 ½ miles northwest of Glasgow. It consists of 612 acres in two parcels, about a mile apart from each other. The northern parcel is bordered by the Milk River and Brazil Creek flows through the eastern portion of the southern parcel. All of the land involved is within deer/elk hunting district 630. A map of the property is included as Appendix I in this document.

#### **IV. PURPOSE AND NEED FOR THE PROPOSED ACTION**

The primary purpose of this action is to preserve the integrity of the native habitats and its traditional agricultural use and ownership. The primary habitats represented on the Olsen property include riparian corridors, wetlands and grasslands. By maintaining and improving the existing habitat, wildlife use, including white-tailed deer, ring-necked pheasants, Merriam's turkeys, mourning doves, sharp-tailed grouse, several species of ducks, and a wide variety of native species of migratory birds, songbirds, small mammals, and bats will be perpetuated.

A secondary result of this project is guaranteed public access to this farm for hunting and other recreational pursuits. Currently, free public access is very limited on the Olsen property. Acquisition of this easement will open and promote public recreation on these lands and provide additional access to the Milk River.

The need for this project is twofold. First, the need is to secure habitats for wildlife from threat of development. Additionally, the need is to secure the traditional use of this land by farmers, hunters, fishermen, other recreationists, and wildlife against threats of use for other purposes. There are currently several farms along the Milk River for sale at prices that prohibit the purchase of this land by local agricultural producers. These farms are being marketed based on their recreational values and proximity to the Milk River; once purchased, new landowners have typically closed off any public recreational opportunities. The ranch's proximity to Glasgow also makes it an attractive opportunity for subdivision development. A conservation easement on the Olsen property would allow this land to remain locally owned and would keep traditional agricultural production as the primary use of this area. Resident and migrating wildlife species would benefit from the improved habitat conditions on this farm, while hunters and other recreationists would gain access to this land, and to the adjacent Milk River and Brazil Creek.

#### **V. DESCRIPTION OF PROPOSED ACTION**

The proposed action is for MFWP to purchase, hold and monitor a conservation easement on the Olsen property. This easement would include 612 acres of the ranch which is all the deeded property owned by Robert, Linda, and Travis Olsen in this area. The total purchase price for the proposed easement is \$452,000. FWP would also bear the cost of fencing and water development materials required to implement the grazing system (approximately \$20,000). FWP's Habitat Montana and the Upland Game Bird Enhancement Program are the primary funding sources for this project.

Specific terms of the easement in their entirety are contained in a separate legal document, which is the proposed "Deed of Conservation Easement". This document lists FWP and landowner rights under the terms of the easement as well as restrictions on landowner activities. The rights of both parties and restrictions on landowner activities were negotiated with and agreed to by MFWP and the landowner.

To summarize the terms of the easement, MFWP's rights include the right to:

- (1) identify, preserve and enhance specific habitats, particularly river bottom riparian;
- (2) monitor and enforce restrictions;
- (3) prevent activities inconsistent with the easement;
- (4) ensure public access for the purpose of recreational hunting. Hunting access for all sex and age classes of game animals and game birds during all established seasons will be maintained for a minimum of 300 hunter days each fall, and a minimum of 50 angler days annually.

The Landowners will retain all of the rights in the property that are not specifically restricted and that are not inconsistent with the conservation purposes of the proposed easement, including the right to:

- (1) pasture and graze this land in accordance with the grazing system described in the Management Plan (See Appendix II);
- (2) maintain water resources;
- (3) maintain the existing residences, sheds, corrals, and other improvements at the farmstead located on the farm;
- (4) construct, remove, maintain, renovate, repair, or replace fences, roads and other non-residential improvements necessary for accepted land management practices; and
- (5) control noxious weeds.

The proposed easement will restrict uses that are inconsistent with the conservation purposes of the easement, including the following uses of the property:

- (1) control or manipulation of existing native vegetation, including cottonwood and green ash trees;
- (2) draining or reclamation of wetland or riparian areas;
- (3) any subdivision;
- (4) cultivation or farming beyond existing levels;
- (5) outfitting or fee hunting;
- (6) mineral exploration, development, and extraction by surface mining techniques;
- (7) construction of permanent structures except as described above;
- (8) commercial feed lots; and
- (9) establishment or operation of a game farm, game bird farm, shooting preserve, fur farm, menagerie or zoo;
- (10) commercial or industrial use except traditional agricultural use;
- (11) refuse dumping in riparian and Livestock Exclusion Zones

The conservation easement provides MFWP with the right to restore approximately 50 acres of riparian habitat along the Milk River and Brazil Creek, in addition to requiring that the landowner maintain the existing 75 acres of riparian vegetation. Riparian restoration may include planting of native vegetation and fencing. Livestock will be excluded from all riparian areas and designated Livestock Exclusion Zones, unless MFWP determines limited grazing in these areas is necessary to meet habitat objectives. On the crop lands, primarily in the southern portion of the property, the easement will require that the landowner and MFWP work cooperatively to plant dense nesting cover and food plots for game bird habitat on approximately 80 acres.



## **VI. DESCRIPTION OF REASONABLE ALTERNATIVES TO THE PROPOSED ACTION**

The intent of this action on the Olsen property is to maintain this land as a traditional Montana working farm. No interest was expressed in a sale of fee title or a long-term lease. Since conservation easements are also FWP's preferred option, the only other alternative in this EA is the "No Action Alternative".

### **1. No Action Alternative**

If the Department does not purchase a conservation easement to protect the Olsen property, it will stay in the Olsen's ownership and continue under current management. Currently, the Olsen's allow very limited recreational access to the property and that would stay the same. Additionally, the Olsen's are likely to continue their agricultural activities that pose a threat to the riparian areas on the land. Additionally the ranch will remain vulnerable to rural subdivision and in the future, could be sold to subsequent landowners that wouldn't support the current values on the land.

## **VII. EVALUATION OF IMPACTS ON THE PHYSICAL ENVIRONMENT**

### **1. Land Resources**

Impact of Proposed Action: No negative impacts would occur as a result of this proposal. The terms of the proposed easement are structured to prevent adverse impacts on soils and vegetation. A grazing plan has been developed and will be implemented that will enhance soil maintenance (Management Plan, Appendix II). Subdivision and development of the land is restricted, as is additional cultivation. The proposed easement will ensure that the land resources are maintained.

No Action Alternative: This alternative would allow for potential disturbance of soils from more intense agricultural practices, residential development and other commercial uses.

### **2. Air Resources**

Impact of Proposed Action: There would be no impact.

No Action Alternative: There would be no immediate impact.

### **3. Water Resources**

Impact of Proposed Action: There would be no impact of water resources in perpetuity as they would remain the same on the land. Current agricultural uses on the property have proven to be compatible with maintenance of water quality along the Milk River and would continue that way under the proposed action. Restoration activities associated with the proposed action will positively impact riparian habitat quality in these locations.

No Action Alternative: There would be no immediate impact. However, there would be no assurances that over time the use of this property wouldn't change from farming to some other use, with no conservation protection.

### **4. Vegetation Resources**

Impact of Proposed Action: This action would result in a positive impact to vegetative resources. The terms of the easement protect the quantity, quality and character of the native plant communities found on the property from control or manipulation. The prescribed grazing program will enhance and maintain the vigor and productivity of vegetation on the Robert Olsen property. The proposed action also allows the landowner to use the land into the future for farming and livestock grazing, which depends on maintaining a productive vegetative resource. Noxious weed management will be an important component of a successful farm operation.

No Action Alternative: With this alternative, the land would continue to be managed as it is. If the land use were to change from ranching to rural subdivision or some other use there would be no conservation measures in place to maintain the productivity of the land. Future impacts to native vegetation and overall productivity of the land could be significant. In addition, there would be no long-term protection of existing native plant communities.

### **5. Fish/Wildlife Resources**

Impact of Proposed Action: This action will benefit a variety of wildlife conserving the land as agricultural and open space to provide year-round habitat for many of Montana's native wildlife species. Wildlife and agriculture can coexist well together and this proposed action would ensure that it continues that way. Conserving native plant communities is important for most of Montana's indigenous wildlife species. Implementation of a rest-rotation grazing system will ensure adequate quantity and quality of forage and cover for a variety of wildlife species

while still allowing the land to be used as it has historically in agriculture. No adverse effects are expected on the diversity or abundance of game species, non-game species or unique, rare, threatened or endangered species. There would be no barriers erected which would limit wildlife migration or daily movements. There would be no introduction of non-native species into the area.

No Action Alternative: With this alternative, the land would stay in the same ownership and continue to be managed as it is for as long as the landowner keeps the land. However, without long-term conservation protection measures, there is a potential that the land is sold and the area is more developed for recreational or subdivision purposes. As this occurs, open space would diminish over time resulting in significant long-term negative effects to most species of wildlife. There would be no provisions preventing activities such as surface mining on the property, as well as the construction of fences or other barriers that could inhibit wildlife movement. Wildlife species would be negatively impacted by the conversion of existing native vegetation to other uses.

## **6. Adjacent Land**

Impact of Proposed Action: No negative impact is expected. Existing fences would be maintained along the perimeter of the Olsen property.

No Action Alternative: With this alternative, the land would continue to be managed as it is currently by the current landowner and likely would have no impact.

# **VII. EVALUATION OF IMPACTS ON THE HUMAN ENVIRONMENT**

## **1. Noise/Electrical Effects**

Impact of Proposed Action: No impact would occur over existing conditions.

No Action Alternative: There would be no immediate impact.

## **2. Land Use**

Impact of Proposed Action: There would be no impact with the productivity or profitability of the farm, nor conflicts with existing land uses in the area. The traditional uses of the greater portion of this property would be maintained under the Proposed Action. However, a portion of the property will be retired into dense nesting cover (DNC) fields, and will be eligible for haying after July 15 every other year. A portion of the

property will be restored into permanent woody vegetation, and along with designated riparian areas, will be eligible for prescribed grazing every 6 to 8 years. The oxbow portion of the property will be restored and removed from agricultural use. MFWP has mitigated these impacts by paying fair market value for the conservation easement.

No Action Alternative: Changes in future landownership and land use could affect habitat quality and current wildlife numbers. Public recreational opportunity would very likely be diminished.

### **3. Risk/Health Hazards**

Impact of Proposed Action: No impact would occur.

No Action Alternative: No impact would occur.

### **4. Community Impacts**

Impact of Proposed Action: There would be no anticipated negative impacts to the community. The scenic values and open character of this property would be maintained and enjoyed by the community in perpetuity. This issue is also addressed in the attached Socio-Economic Assessment (See Appendix III).

No Action Alternative: With this alternative, the current landowners would continue to own the land and manage it as it is currently. In the future, hunting access and public access on this farm would likely be restricted, negatively affecting traditional recreational opportunities in the area.

### **5. Public Services/Taxes/Utilities**

Impact of Proposed Action: There would be no effect on local or state tax bases or revenues, no alterations of existing utility systems nor tax bases of revenues, nor increased uses of energy sources. As an agricultural property, the land would continue to be taxed as it has before. This issue is also addressed in the attached Socio-Economic Assessment.

No Action Alternative: No immediate impact would occur. If rural subdivision did occur in this area in the future, greater demands would be placed on county resources.

## **6. Aesthetics/Recreation**

Impact of Proposed Action: With this alternative, there would be a positive impact, in that the conservation easement will guarantee managed public hunting and fishing on this property where there was none before. The easement would maintain in perpetuity the quality and quantity of recreational opportunities and scenic vistas and would not affect the character of the neighborhood. This issue is also addressed in the attached Socio-Economic Assessment (Appendix III).

No Action Alternative: With this alternative, the recreational opportunities would continue as they exist currently. The landowner does not allow public access to this property. Additionally, there would be no guarantee of public access to the land or across the land for recreational purposes. Should rural subdivision and/or other development occur, it would reduce the aesthetic and recreational quality of the area. Future landowners would likely not allow recreational access.

## **7. Cultural/Historic Resources**

Impact of Proposed Action: There would be no impact because even though there are some adjustments to the agricultural management practices, the land will largely be preserved for agricultural use in perpetuity.

No Action Alternative: Any future developments on this land would likely have an adverse impact on the cultural and historic values of this farm.

## **8. Socio-Economic Assessment**

Please refer to the attached Socio-Economic Assessment for additional analysis of impacts on the human environment.

# **IX. SUMMARY EVALUATION OF SIGNIFICANCE**

The proposed action should have no negative cumulative effect. However, when considered on a larger scale, this action poses a positive cumulative effect on wildlife, range management, riparian habitats and open space. The farm will remain in private ownership, continue to contribute to agricultural production and thus contribute to the local economy.

The "No Action Alternative" would not preserve the diversity of wildlife habitats in perpetuity. Without the income from the proposed conservation easement, the Olsen's would consider other income options including selling the ranch. Possible future subdivisions or other actions prohibited under the terms of the Proposed Action, such as

commercial feedlots, could directly replace wildlife habitat and negatively impact important public access to the ranch, Milk River, and Brazil Creek.

## **X. EVALUATION OF NEED FOR AN EIS**

Based on the above assessment, which has not identified any significant impacts from the proposed action pursuant to ARM 12.2.431, an EIS is not required and an EA is the appropriate level of review. The overall impact from the successful completion of the proposed action would provide substantial long-term benefits to both the physical and human environment.

## **XI. PUBLIC INVOLVEMENT**

The public comment period will begin on March 20, 2008 and run through April 22, 2008. Written comments may be submitted to:

Montana Fish, Wildlife and Parks  
Attn: Olsen Conservation Easement  
54078 Hwy 2 West  
Glasgow, MT 59230

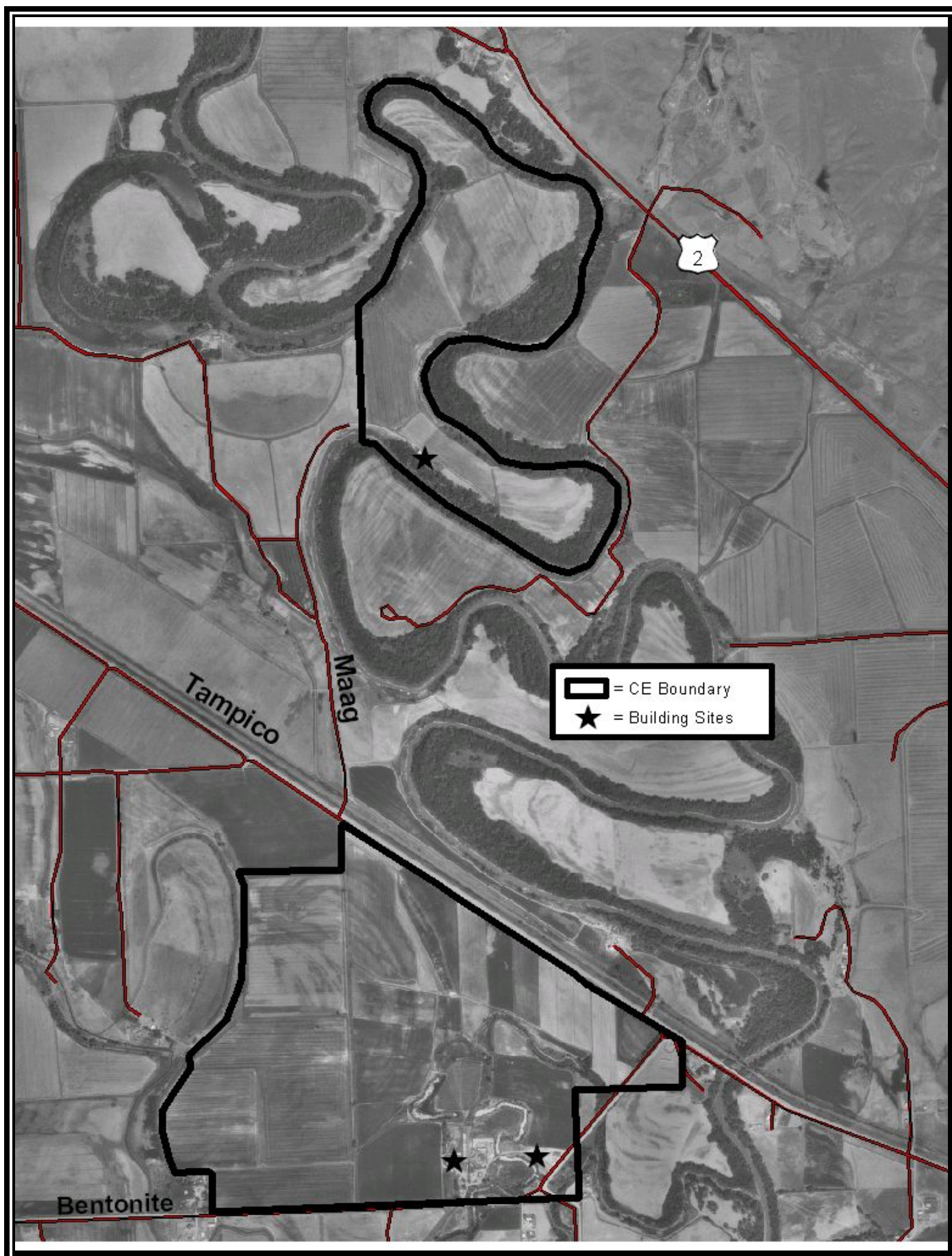
Or comments can be emailed to [jelletson@mt.gov](mailto:jelletson@mt.gov).

In addition, there will be a public hearing in Glasgow on April 21, 2008 at the Cottonwood Inn at 7:00 PM.

## **XII. NAME, TITLE AND PHONE NUMBER OF PERSON RESPONSIBLE FOR PREPARING THIS EA**

Kelvin Johnson, Glasgow Wildlife Biologist, Montana Fish, Wildlife, and Parks, 54078 Hwy 2 West, Glasgow, MT 59230, 406-228-3700.

# **APPENDIX I**





## **APPENDIX II**

# **ROBERT, LINDA, & TRAVIS OLSEN CONSERVATION EASEMENT**

## **MANAGEMENT PLAN**

### **A. INTRODUCTION**

This conservation easement is based on the habitat values found on the Olsen Property. This working ranch includes 612 acres consisting of a mosaic of riparian and wetland communities, and agricultural fields. The Milk River (3.1 miles) flows along the eastern boundary of the Maag Unit, Brazil Creek (0.1 miles) flows through the eastern portion of the Home unit, and an oxbow of Brazil Creek (1.4 miles) also bisects the Home unit. Approximately 110 acres of native riparian habitat buffer the Milk River and associated oxbows. The resource value is high based on the desirable quantities and qualities of productivity. According to Montana Fish, Wildlife and Parks (MFWP), riparian and wetland communities support the greatest concentration of plants and animals, yet only constitute 4 percent of Montana's land cover. There are 149 avian species, 22 mammal species, 16 amphibian species, and 6 reptile species that depend on riparian and wetland habitat for breeding and survival, and many of them occur on this property. An additional 72 species thrive in these habitats and benefit from riparian and wetland conservation (*Montana's Comprehensive Fish and Wildlife Conservation Strategy, Executive Summary, 2005*). Available at Montana Fish, Wildlife and Parks, 1420 East Sixth Avenue, Helena, MT 59620, or by internet at: <http://fwp.mt.gov/specieshabitat/strategy/summaryplan.html>.

Primary objectives of this conservation easement include: protection and enhancement of the riparian habitat associated with the Milk River; continuing an active public access travel plan, and maintenance of healthy wildlife populations within this habitat.

Because hunters are funding this easement, game species will be used as indicator species and are prioritized as follows based on habitat availability and potential in this area: whitetail deer, ring-necked pheasants, Merriam's turkeys, mourning doves, and waterfowl (i.e., wood ducks, mallard, green-winged teal, blue-winged teal, northern shoveler, gadwall, American wigeon). Additionally, State Wildlife Grants will provide FWP the opportunity to survey and inventory riparian-associated wildlife species in order to develop a baseline assessment of species richness and diversity.

## **B. GOALS, OBJECTIVES, PROBLEMS, AND STRATEGIES**

**GOAL:** To protect and enhance the riparian habitat and associated uplands along the Milk River, maximize hunter recreation on these lands, and preserve the overall integrity of these lands for future generations.

**Objective 1.** Practice proper stewardship, which translates to managing for improved soil composition, structure and productivity, and for the health and vigor of all vegetation communities, while positively impacting the traditional land uses.

**Strategy 1.** Maintain native Milk River riparian wildlife habitat through easement protections. Limitations will include standing tree removal, breaking of native habitats, removal of riparian vegetation, subdivision, house-site construction, game farming, grazing management, and commercial feed lots.

**Strategy 1a.** Exhibit A describes the grazing plan, while Exhibit B outlines the designated fields where annual agriculture operations will occur. Cattle will be allowed throughout the property except on areas fenced out along the Milk River and Brazil Creek oxbow riparian areas, and designated areas on the home place. The Fall/Winter grazing system will utilize existing pastureland, as well as domestic hay and cropped fields. Repair and extensions of existing fences will delineate the separate pastures.

**Strategy 1b.** The Olsen's (Landowner) will control noxious weeds where needed.

**Objective 2.** When demand exists, provide a minimum of 125 hunter days for deer, 100 hunter days for upland game birds, 50 hunter days for waterfowl, and 25 hunter days for turkey. In addition, a minimum of 50 angler days will be provided if the demand exists.

### **Access Strategies**

**Strategy 2.** Provide hunter recreation through the existing FWP Block Management program. Current access is by walk-in only. By minimizing vehicular traffic, more secure areas for whitetail deer, pheasants, and turkeys are provided during the hunting season. (Exhibit C - Travel Plan).

**Strategy 2a.** Montana FWP will pursue agreements with adjacent landowners to allow hunter access for harvesting all available species.

**Strategy 2b.** Provide liberal season structures for all species. This will allow sportsmen the full opportunity to utilize this area for hunting to maintain healthy wildlife populations.

## **Habitat strategies**

Strategy 2c. Healthy populations of upland game birds will result with the implementation of Strategies 1, 1a, and 1b. These strategies will provide quality nesting, brood rearing, and winter cover for these birds. These strategies will also provide improved year round habitat for whitetail deer, especially fawning and security habitat; nesting and brood rearing habitat for pheasants and turkeys; nesting habitat for waterfowl; and winter habitat for pheasants and sharp-tailed grouse.

Strategy 2d. Montana FWP and the Landowner will provide both wildlife habitat and efficient irrigation flows through the irrigation canals. This strategy will improve habitat by allowing vegetation on the outside banks of the canals to remain in the form of nesting and brood-rearing cover. Vegetation on the inside of canals will be controlled by the landowner by either mowing, or some other mechanical means to facilitate water flow. However, when the need arises where burning is needed to control noxious weeds or reed canary grass, the Landowner will notify FWP prior to implementation of the burn.

Strategy 2e. Implement FWP's Upland Game Bird Habitat Enhancement strategies on several areas as outlined in Exhibit D, Olsen Easement. These include shelterbelts, dense nesting cover (DNC) fields, and food plots. Implementation of this strategy will enhance upland game bird habitat quantity and quality. This strategy will also benefit whitetail deer and waterfowl through improved habitat conditions. Designated fields (see Exhibit D) will be converted into DNC and permanent woody vegetation. Shelterbelt opportunities will be explored. DNC fields located in LEZ's (as identified in Exhibit A) can be hayed after July 15<sup>th</sup> every even year. DNC fields located in the designated grazing area EYU1 can be hayed after July 15<sup>th</sup> every even year. DNC fields located in the designated grazing area OYU1 can be hayed after July 15<sup>th</sup> every odd year.

Objective 3. Maintain healthy wildlife populations within the available habitats, taking into account the negative impacts wildlife may cause on nearby private lands.

Strategy 3. Maintain a healthy, managed whitetail deer population through the use of liberal hunting seasons. This strategy will be utilized.

Strategy 3a. The Block Management plan for this ranch will provide areas of security for whitetail deer during the hunting season. This strategy will assist in keeping deer from moving onto adjacent ranches that allow limited or no hunter access. This practice will be initiated in the 2008-hunting season.

Strategy 3b. Montana FWP will pursue agreements with adjacent landowners to allow hunter access for harvesting whitetail deer. This strategy will be an ongoing effort to alleviate depredation problems with whitetail deer in the area.

Objective 4. Provide non-hunting recreational and educational opportunities to the public through the viewing of wildlife, fishing, and various educational uses.

Strategy 4. Public opportunity for wildlife viewing will be enhanced through the Strategies found in Objective 1, as well as Strategies 2d and 2e. Improved populations of game and non-game species of birds and mammals will result from these habitat improvements and provide for public viewing. Access for wildlife viewing will continue to be on a permission basis from the Landowner.

Strategy 4a. Provide a minimum of 50 angler days of fishing. Fishing opportunities exist along the Milk River. Game fish commonly found in these areas include channel catfish, northern pike, and walleye. Fishing opportunities for the public will continue to be available through controlled access by the Landowner.

Strategy 4b. The Landowner may allow the property to be utilized for educational purposes associated with schools and various organizations. This conservation easement will demonstrate how traditional land uses can be implemented in a manner that benefits wildlife while maintaining a successful agricultural operation.

## **Exhibit A**

### **Maag Unit**

A riparian livestock exclusion fence will be constructed between the boundaries of the existing hay fields and timber stands in the southeast portion of the unit. A total of 0.8 miles of fence will need to be constructed in order for this system to work.

Livestock will be permitted within the designated “Livestock Annual Use” area each year, between the starting date of November 15 and ending date of April 15, annually. This includes area labeled AU1.

Livestock will not be permitted within the designated “Livestock Exclusion Zone” (LEZ1, LEZ2). However, livestock will be permitted within LEZ1 for one season, starting November 15 and ending April 15, once every 6 to 8 years to address vegetation management.

Refer to the Maag Unit in Table 1 for an illustrated demonstration of the fall/winter grazing system during the 10-year period from 2008 to 2017. Pasture designations LEZ1, LEZ2, and AU1 are illustrated in the grazing plan aerial photo.

### **Home Unit**

A riparian livestock exclusion fence will be repaired and additional fence will be constructed around the boundaries of the Brazil Creek oxbow and building sites in the southeast portion of the unit (LEZ5). Additional livestock exclusion fences will be constructed in the northwest portion of the unit (LEZ3, LEZ4, LEZ7), which have been designated in Exhibit D as proposed DNC fields and proposed permanent cover. No fencing will be required in the eastern exclusion zone (LEZ6). A total of 2.3 miles of fence will need to be constructed in order for this system to work.

Livestock will be permitted within the designated “Livestock Annual Use” area each year, between the starting date of November 15 and ending date of April 15, annually. This includes AU2 and AU3. An 8-foot water tank system will need to be installed within this pasture in order for this system to work.

Livestock will be permitted within the designated “Livestock Even Year Use” area every even year, between the starting date of November 15 and ending date of April 15. This includes area labeled EYU 1.

Livestock will be permitted within the designated “Livestock Odd Year Use” area every odd year, between the starting date of November 15 and ending date of April 15. This includes area labeled OYU 1. Provisions will be made to create a livestock corridor between the east and west units of OYU1 through LEZ7.

### **Exhibit A (Continued)**

Livestock will not be permitted within the designated “Livestock Exclusion Zones” (LEZ3, LEZ4, LEZ5, LEZ6, LEZ7), except in the existing corral site located within the western building site. It is important the existing corral sites remain available at anytime for animal husbandry purposes.

Refer to the Home Unit in Table 1 for an illustrated demonstration of the fall/winter grazing system during the 10-year period from 2008 to 2017. Pasture designations LEZ3, LEZ4, LEZ5, LEZ6, AU2, AU3, EYU1, and OYU1 are illustrated in the grazing plan aerial photo.

Table 1. Pasture use designations for dates starting November 15, and ending April 15.

Year	Maag Unit			Home Unit								
	LEZ1	LEZ2	AU1	LEZ3	LEZ4	LEZ5	LEZ6	LEZ7	AU2	AU3	EYU1	OYU1
2008	No	No	Yes	No	No	No	No	No	Yes	Yes	Yes	No
2009	No	No	Yes	No	No	No	No	No	Yes	Yes	No	Yes
2010	No	No	Yes	No	No	No	No	No	Yes	Yes	Yes	No
2011	No	No	Yes	No	No	No	No	No	Yes	Yes	No	Yes
2012	No	No	Yes	No	No	No	No	No	Yes	Yes	Yes	No
2013	No	No	Yes	No	No	No	No	No	Yes	Yes	No	Yes
2014	No	No	Yes	No	No	No	No	No	Yes	Yes	Yes	No
2015	Yes	No	Yes	No	No	No	No	No	Yes	Yes	No	Yes
2016	No	No	Yes	No	No	No	No	No	Yes	Yes	Yes	No
2017	No	No	Yes	No	No	No	No	No	Yes	Yes	No	Yes

Exhibit A (Continued)

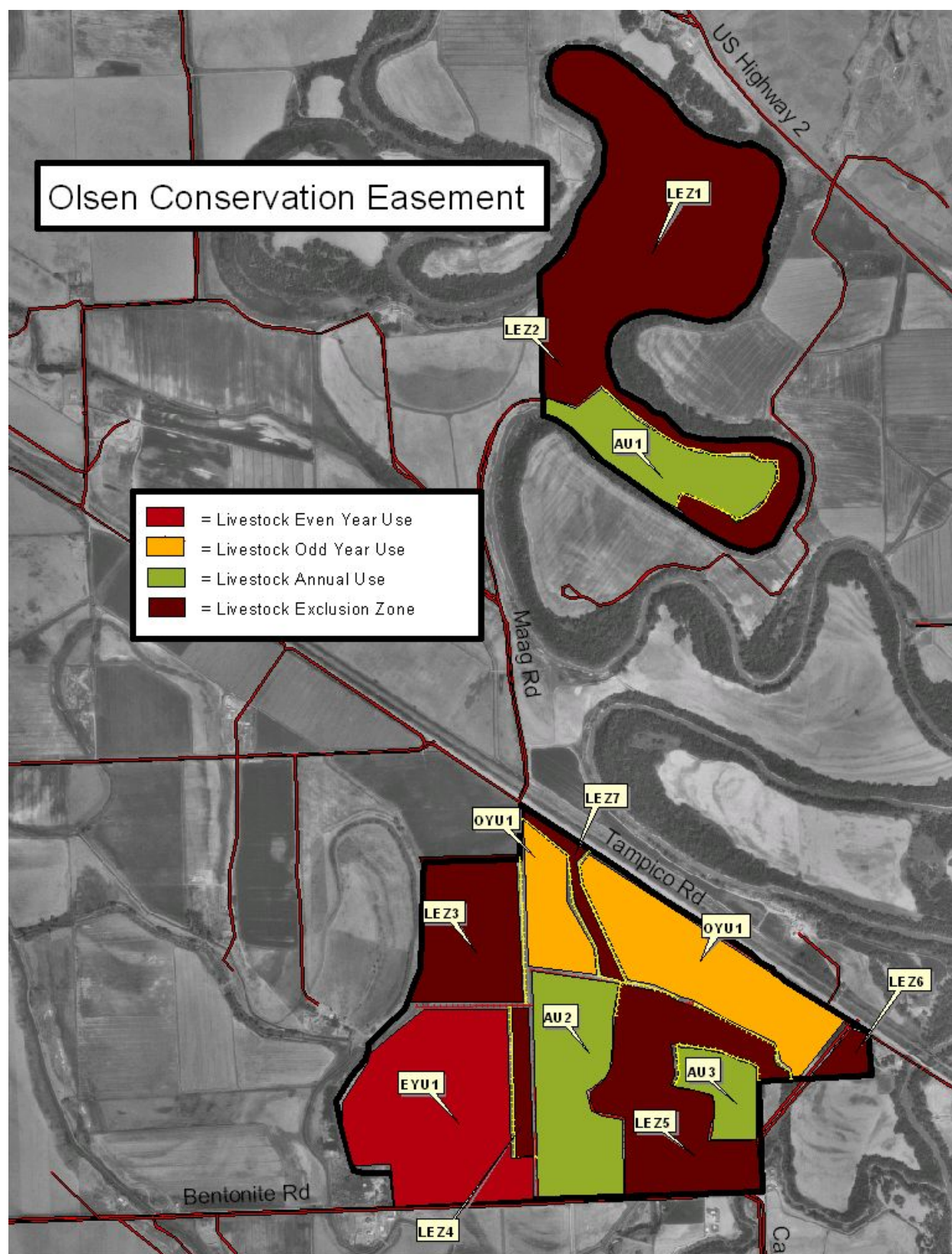




Exhibit B

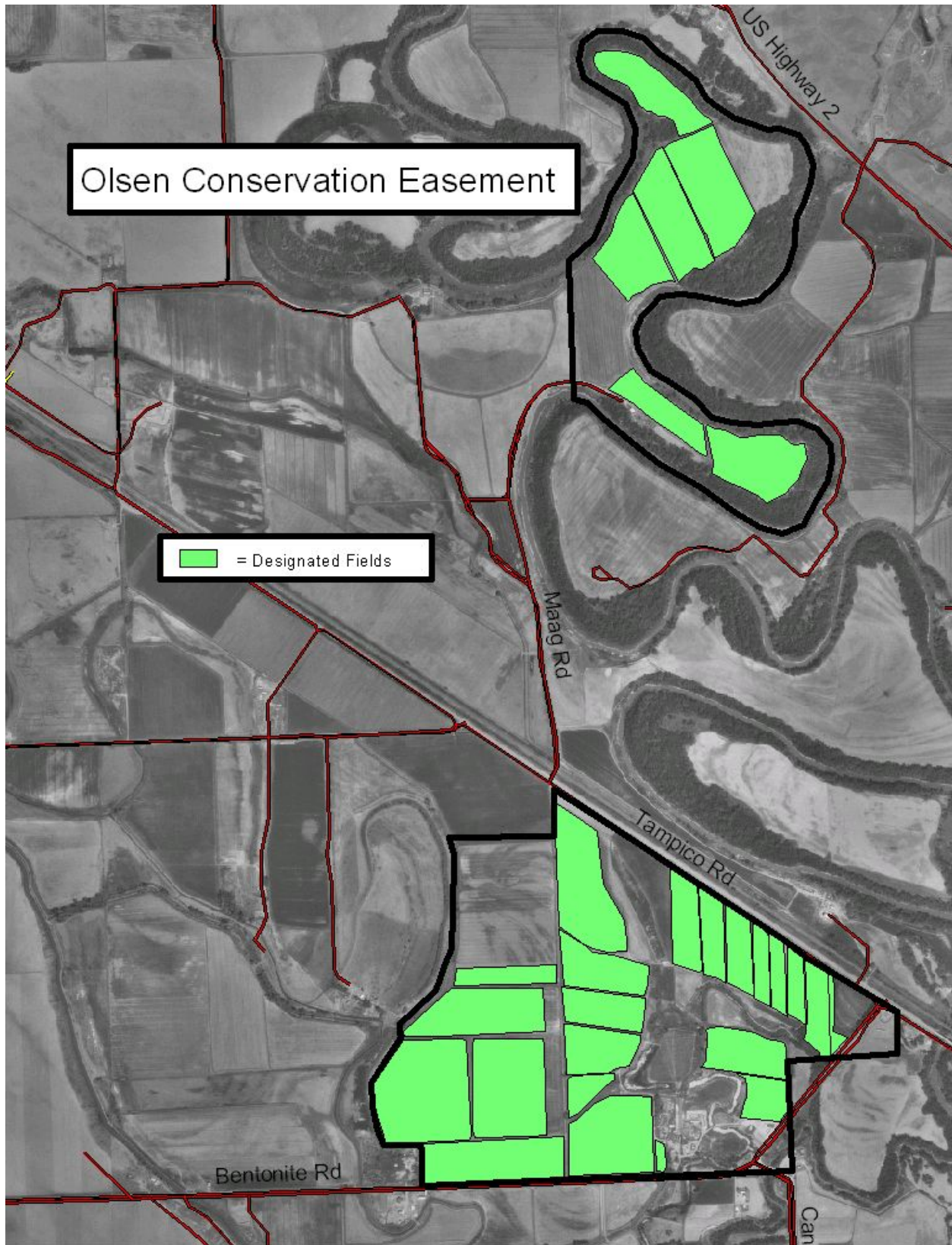
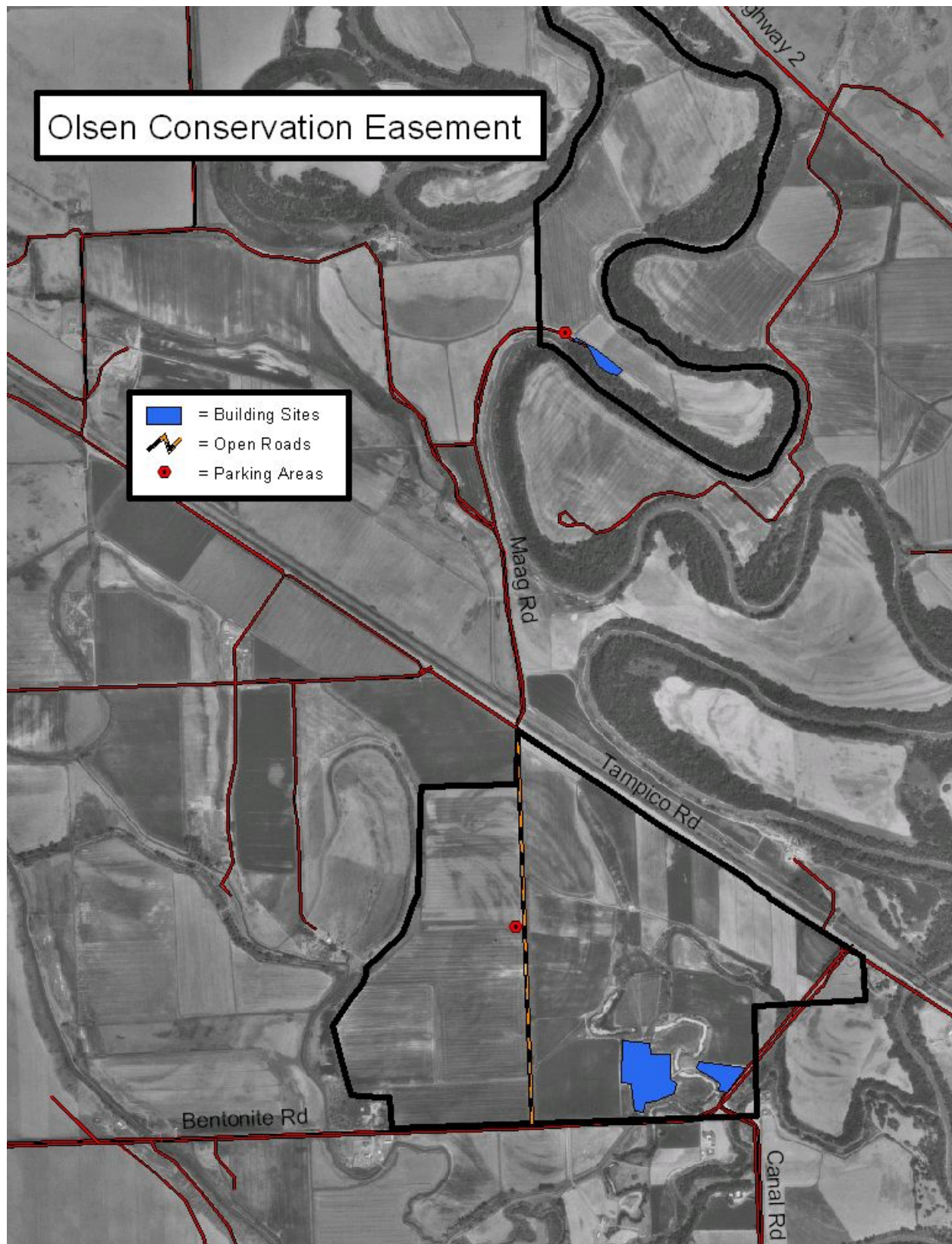
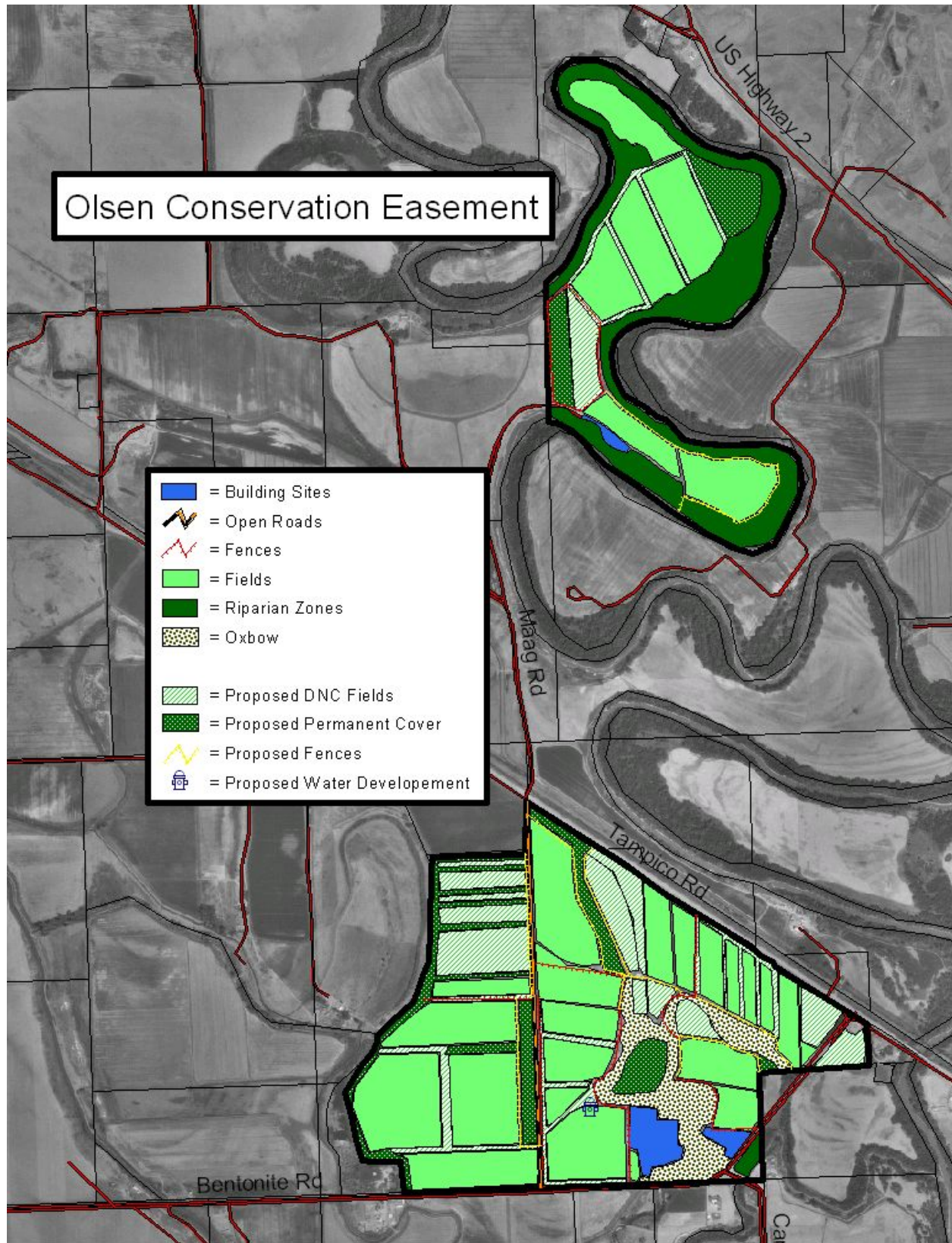


Exhibit C





## Exhibit D



## **APPENDIX III**

**ROBERT OLSEN RANCH**  
**CONSERVATION EASEMENT**  
**SOCIO-ECONOMIC ASSESSMENT**

MONTANA FISH, WILDLIFE AND PARKS

Prepared by:  
Rob Brooks  
March, 2008

**I. INTRODUCTION**

House Bill 526, passed by the 1987 Legislature (MCA 87-1-241 and MCA 87-1-242), authorizes Montana Fish, Wildlife and Parks (MFWP) to acquire an interest in land for the purpose of

protecting and improving wildlife habitat. These acquisitions can be through fee title, conservation easements, or leasing. In 1989, the Montana legislature passed House Bill 720 requiring that a socioeconomic assessment be completed when land is acquired for the purpose of protecting wildlife habitat using Habitat Montana monies. These assessments evaluate the significant social and economic impacts of the purchase on local governments, employment, schools, and impacts on local businesses.

This socioeconomic evaluation addresses the purchase of a conservation easement on property currently owned by Robert Olsen. The report addresses the physical and institutional setting as well as the social and economic impacts associated with the proposed conservation easement.

## **II. PHYSICAL AND INSTITUTIONAL SETTING**

### **A. Property Description**

The 612 acre Olsen Ranch is located in Valley County about 2.5 miles northwest of Glasgow, Montana. The property is two separate parcels about 1 mile apart. The northern parcel lies along the Milk River and southern parcel borders Brazil Creek. The property consists of riparian habitat, hay meadows, and managed cropland. The management plan for the property has a detailed description of the habitat types and acreage.

### **B. Habitat and Wildlife Populations**

The Olsen Ranch property supports whitetail deer, upland game birds including pheasants and sharp-tailed grouse, waterfowl, Merriam's turkeys and a host of other species that call these habitats home.

### **C. Current Use**

The Olsen is a working ranch that raises hay and cattle.

### **D. Management Alternatives**

- 1) Purchase a conservation easement on the property by MFWP
- 2) No purchase

## **MFWP Purchase of Conservation Easement**

The intent of the Olsen Ranch conservation easement is to protect and enhance the wildlife habitat currently found on the property while maintaining the agricultural character of the property. Please refer to the Deed of Conservation Easement for a thorough explanation of the terms for this easement between MFWP and Robert Olsen.

## **No Purchase Alternative**

The second alternative, the no purchase option, does not guarantee the protection the native habitats nor protect this land from future subdivision development, changes in land uses, or secure access for the public into the future.

This alternative requires some assumptions since use and management of the property will vary depending on what the current owners decide to do with the property if MFWP does not purchase a conservation easement.

The economic impacts associated with this alternative have not been estimated.

## **III. SOCIAL AND ECONOMIC IMPACTS**

Section II identified the management alternatives this report addresses. The purchase of a conservation easement will provide long-term protection of important wildlife habitat, keep the land in private ownership and provide for public access for hunting. Section III quantifies the social and economic impacts of this management option following two basic accounting stances: financial and local area impacts.

Financial impacts address the cost of the conservation easement to MFWP and discuss the impacts on tax revenues to local government agencies including school districts.

Expenditure data associated with the use of the property provides information for analyzing the impacts these expenditures may have on local businesses (i.e. income and employment).

### **A. Financial Impacts**

The conservation easement proposed on the Olsen Ranch will be secured by dollars from the Habitat Montana Program and the Upland Game Bird Enhancement Program, both of which are funded by sportsmen dollars. MFWP's financial obligation is \$452,000.

Maintenance/management costs related to the easement are associated with monitoring the property to insure the easement terms are being followed.

The financial impacts to local governments are the potential changes in tax revenues resulting from the purchase of the conservation easement. The conservation easement

will not change the ownership of the property nor will it change the type or level of use on the property. Therefore, the purchase of a conservation easement on this land will have no impact on the current level of taxes paid to Valley County.

## **B. Economic Impacts**

The purchase of a conservation easement will not affect the agricultural activities on the Olsen Ranch. The number of cattle run on the property will not change significantly however a rest rotation grazing system will be implemented under the terms of the conservation easement. The financial impacts to local businesses will be neutral given there is no significant changes to the agricultural practices on the property.

The easement will provide public access for hunting. The number of hunters and number of days are defined in the conservation easement agreement.

## **FINDINGS AND CONCLUSIONS**

The conservation easement will provide long-term protection for wildlife habitat, maintain the agricultural integrity of the land, and ensure public hunting opportunities.

The purchase of a conservation easement by MFWP will not cause a reduction in tax revenues on this property from their current levels to Valley County.

The agricultural/ranching operations will continue at their current levels. The financial impacts of the easement on local businesses will be neutral to slightly positive in both the short and long run.